

October 15, 2015

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 12-375 - Notice of *Ex Parte* Presentation

Dear Secretary Dortch:

On October 13, 2015, the following individuals held a conference call with Stephanie Weiner, Senior Legal Advisor to Chairman Tom Wheeler, and Rebekah Goodheart, Legal Advisor to Commissioner Mignon L. Clyburn, to discuss the Fact Sheet¹ issued in the Federal Communications Commission (“FCC”) inmate calling services (“ICS”) proceeding:

- David Silverman, Executive Vice President, Legal and Regulatory Affairs and Chief Legal Officer, and Chérie R. Kiser, Cahill Gordon & Reindel LLP, on behalf of Global Tel*Link Corporation;
- Vince Townsend, President, and Marcus Trathen, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, on behalf of Pay Tel Communications, Inc.;
- Stephanie A. Joyce, Arent Fox LLP, on behalf of Securus Technologies, Inc.; and
- Curt Clifton, Vice President of Government Affairs and Strategic Planning, and Daniel A. Broderick, Dickstein Shapiro LLP, on behalf of Telmate, LLC.

The purpose of the call was to discuss the parties’ request for an industry “summit” meeting to be attended by the parties’ respective CEOs or other authorized officer should the CEO be unavailable. At such a meeting, the parties would present their consensus position that (1) the proposed ICS order as presented in the Fact Sheet falls short of a comprehensive, sustainable approach to ICS reform as it would not permit fair compensation for ICS providers, and (2) an alternative path, which would be more likely to lead to the sustainability of the rate caps and fees set forth in the Fact Sheet and the promotion of a pro-consumer regulatory environment, would be to address site commissions in the manner proposed by Andrew D.

¹ FACT SHEET: Ensuring Just, Reasonable, and Fair Rates for Inmate Calling Services (rel. Sept. 30, 2015), available at <https://www.fcc.gov/document/fact-sheet-ensuring-just-reasonable-fair-rates-inmate-calling>; see also *Rates for Interstate Inmate Calling Services*, 28 FCC Rcd 14107 (2013) (“*ICS Order*”), *pets. for stay granted in part sub nom. Securus Tech., Inc. v. FCC*, No. 13-1280 (D.C. Cir. Jan.13, 2014), *pets. for review pending sub nom. Securus Tech., Inc. v. FCC*, No. 13-1280 (D.C. Cir. filed Nov. 14, 2013) (and consolidated cases); see also *Rates for Interstate Inmate Calling Services*, 29 FCC Rcd 13170 (2014) (“*Second ICS FNPRM*”).

Lipman instead of the manner proposed in the Fact Sheet.² Under the Lipman proposal, the existing site commission system would be replaced with and limited to a capped, per-minute admin-support payment based on average daily population that would be an additive to the proposed Fact Sheet ICS rates.³

The parties believe that adoption of a clear and final site commission mechanism is the most important aspect of the forthcoming order and that such action is compelled by the evidence in the record. In the absence of the adoption of such a mechanism, various companies will be forced to exercise their appellate remedies and will challenge the order in full. If, however, the FCC issues an order that (a) adopts the rate caps and fees stated in the Fact Sheet, and (b) establishes a maximum site commission in the form of a per-minute, capped additive rate, consistent with the Lipman proposal, the companies will not seek judicial review of these matters.⁴

Consistent with advocacy in the record, representatives of the various parties reiterated that their companies would suffer irreparable, immediate harm under the regulatory approach described in the Fact Sheet, and further forecast that this harm would be sufficient to support a stay of the order in court.

In addition to the discussion above, various representatives of the parties reported on their meetings with the FCC's Office of General Counsel regarding the FCC's jurisdiction on the matters under review in the ICS proceeding and their discussions with other stakeholders.

² WC Docket No. 12-375, Letter from Andrew D. Lipman to Marlene H. Dortch, Ex. A at 3-4 (filed Sept. 28, 2015).

³ WC Docket No. 12-375, Letter from Andrew D. Lipman (dated May 1, 2015).

⁴ The parties note, of course, that they have not seen the proposed order; therefore, any commitment with respect to appellate remedies is limited to the specific matters discussed in this letter and is dependent on issuance of an order on these issues consistent with the parties' proposal.

Pursuant to Section 1.1206(b) of the FCC's rules, a copy of this notice is being filed in the appropriate docket.

Respectfully submitted,

/s/ *Brian D. Oliver*

Brian D. Oliver
Chief Executive Officer
Global Tel*Link Corporation

/s/ *Richard A. Smith*

Richard A. Smith
Chief Executive Officer
Securus Technologies, Inc.

/s/ *Curt Clifton*

Curt Clifton
Vice President of Government Affairs and
Strategic Planning
Telmate, LLC

/s/ *Vincent Townsend*

Vincent Townsend
President
Pay Tel Communications, Inc.

cc (via e-mail): Stephanie Weiner
Rebekah Goodheart